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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,053	11/04/2003	Michael Sanke	APV31658	3119

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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,053

Applicant(s)

SANKE ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The heading "Detailed Description of the Preferred Embodiment" appears to be missing (although it's not necessary).

The proposed drawing changes dated 12/6/2005 have been considered and are NOT approved by the Examiner. The additional changes and more specifically how the door is operated and exactly where the drive mechanism is attached to the door constitutes new matter.

Since the drawings have not been approved by the Examiner, the changes to the specification fail to correspond to any Figures currently in the application.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elements in claim 1, lines 14-17, claim 8, lines 4-7, claim 22, lines 4-7, and claim 33, lines 3-6 (i.e., a specialized tool, specialized key, and braking a cover), a closure/door leaf/door assembly, and overhead door recited throughout the claims, a building area in claim 2, line 7, and the door jamb in claim 23, line 5, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 10, and claim 5, line 9, the phraseology "unintentional actuation and unauthorized actuation" and "unintentional or unauthorized actuation" respectively is not readily understood by the Examiner. In claim 8, lines 4-7, it appears that this phraseology is already recited in claim 1, lines 14-17. In claim 22, lines 4-7, it appears that this phraseology is already recited in claim 1, lines 14-17. Claims 26, 27, and 28 in their entirety are not readily understood by the Examiner. More specifically, exactly what is the applicant trying to claim? It appears that some of the elements recited in the claims have already been recited in the

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previous claim 1. For example, Is there more than one "automated door closure assembly"?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


As best understood, claims 5, 6, 10-12, 16-18, 20, 24, and 32 are further rejected under 35 U.S.C. 102(b) as being anticipated by Slopa (4,098,023). Slopa ('023) discloses an emergency release device for a building closure (14) comprising a cable within a securing sheath (92) a handle (67/72), a securing pin (81), a biasing spring (28), a camming element (78) which blocks movement (75), a disconnecting means (25), a U-shaped bracket (95), and a jack-shaft operator (16). U.S. patent to Mullet et al. ('910) disclose a manual disconnect similar to that of the applicant's invention. U.S. patent to Mullet et al. ('454) disclose a manual disconnect similar to that of the applicant's invention. U.S. patent to Mullet ('255) discloses a manual disconnect similar to that of the applicant's invention. U.S. patent to Mullet et al. ('824) discloses a manual disconnect similar to that of the applicant's invention. U.S. patent to Angelini et al. disclose a manual disconnect similar to that of the applicant's invention. U.S. patent to Sivin et al. disclose a manual disconnect similar to that of the applicant's invention.

Claims 1-4, 7-9, 13-15, 19, 21-23, and 25-31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The applicant's arguments have been considered but are not deemed persuasive. It appears that the applicant's are more limiting than that of the claims. The phraseology "for..." and "adapted to..." phraseology fails to positively limit the claimed invention. Furthermore, the applicant argues limitations (as discussed in detail above) that are not shown in the drawings and are not readily understood by the Examiner how they interconnect with the emergency release device which is currently shown.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.


Jerry Redman
Primary Examiner